

# DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

Vol. 124

April 23, 2004



Ruth Ann Minner  
Governor

John A. Hughes  
Secretary

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## Gov. Minner Signs Soil and Water Proclamation, Announces Conservation Winners *"The Living Soil" is 2004 Soil and Water Stewardship Week Theme*



Gov. Minner proclaims Soil and Water  
Stewardship Week

Governor Ruth Ann Minner proclaimed April 25 to May 2 as Soil Stewardship Week and announced the 2004 winners of the annual Agricultural and Urban Governor's Conservation Awards during a ceremony yesterday afternoon at the Delaware Agricultural Museum in Dover.

Organizers of the 2004 Soil and Water Stewardship observance

note that although most of us seldom come in contact with soil, we all depend on soil for our daily survival.

"In Delaware, we recognize that it is the living soil and water that provide the energy and sustenance for our daily lives, the habitat for our wildlife as well as the many recreational opportunities we enjoy," said Governor Minner.

Ron Breeding, president of the Delaware Association of Conservation Districts said that in generation after generation, it is important to bring attention back to the central theme – the living soil sustains all life on earth. "Without the soil, nothing lives," said Breeding. "Our conservation districts work to protect healthy soils that in turn support a healthy environment, and healthy environments support healthy life."

*continued on page 3*

## Calendar

*For information or registration for park events, please contact individual park offices. A listing follows the calendar.*

### APRIL

**24 – Brandywine Creek State Park program, *Bird Walk Series*, 8-10 a.m.**

**24 – Delaware Fishing Derby**, 10 a.m.-2 p.m., Brandywine Creek State Park. Pre-registration required. Contact the Park Nature Center.

**24 – Milford Public Boat Ramp Dedication**, 9 a.m., N.E. Front Street, Milford, behind the Milford Police Department.

**24 – Earth Day Cleanup on the St. Jones River**, 9 a.m.-2 p.m. Volunteers needed. Contact Carl Solberg, Kent County Parks Division, (302) 698-6451.

**24,25 – Delaware Home Show; Financial and Environmental Benefits of Home Energy Efficiency Explained**, 10 a.m.-6 p.m. Saturday, April 24, and 10 a.m.-4 p.m., Sunday, April 25. Contact Jenefer Russum, Energy Office, (302) 739-1530.

**27,29 – Delaware Urban Runoff Management Model computer training for consultants**, TBA, at Poly Tech. Contact Jeanne M. Feurer, (302) 739-4411.

**27 – RESCHEDULED to April 29: Game and Fish Advisory Council meeting**

**27 – Environmental Appeal Board hearing on the Assawoman Canal Dredging**, 9 a.m., DNREC's auditorium, Richardson and Robbins building, 89 Kings Highway, Dover.

**28 – Recycling Public Advisory Council Meeting**, 1-3 p.m., Department of Natural Resources and Environmental Control's Aquatic Resources Education Center, Route 9, Smyrna. Contact Janet Manchester, Waste Management, (302) 739-3689.

**29 – Game and Fish Advisory Council meeting**, 7:30 p.m., DNREC's auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Greg Moore, Fish and Wildlife, (302) 739-5297.

### MAY

**2 – Brandywine Creek State Park program, *Insects***, 1 p.m. For children ages 8-12. Cost is \$2 per person.

**3, Workshop, Delaware Estuary Grants Program**, National Fish and Wildlife Foundation grants program in partnership with the Delaware Estuary Program provides grants up to \$25,000 to organizations working locally to improve watersheds in the Delaware Estuary, 1-3 p.m., DNREC, 89 Kings Highway Dover. Contact John Kennel, DNREC Water Resources, (302) 739-5726.

**3, 5, 6 – Public workshops on Preliminary Report of U.S. Commission on Ocean Policy**: May 3 workshop will be held at the Delaware Nature Society, Ashland Nature Center in Hockessin; May 5 workshop will be at the Rehoboth Convention Center, Rehoboth Beach; and the May 6 workshop will be at the Delaware National Estuarine Research Reserve, 818 Kitts Hummock Road in Dover. All three workshops will begin at 7 p.m. Contact Sarah Cooksey, Delaware Coastal Programs, (302) 739-4506.

**6 – Delaware Envirothon Challenge**, TBA, at Cape Henlopen State Park. Call DNREC Public Affairs, (302) 739-4506.

**11 – Environmental Appeals Board hearing on Jesse and Everett Conaway’s Subaqueous Lands Lease application**, 9 a.m., DNREC’s auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Gail Donovan, (302) 739-6400.

**12 – Public hearing on water allocation permit applications of FLP Energy Marcus Hook LP and Sunoco Inc.**, 6-9 p.m., DNREC offices at 391 Lukens Drive, New Castle. Contact Stewart Lovell, Water Supply, (302) 739-4793.

**15 – Newark’s Storm Drain Marking Project**, 9-11 a.m., City Municipal Building. Contact Kelley Dinsmore, Newark Public Works Department, (302) 366-7040.

**15, 16 – Camp Awareness**, Camp Arrowhead, Rehoboth Bay off Route 279. For children in the sixth grade. Cost is \$35 per child. Call (302) 739-3440.

**19 – Tidal Finfish Advisory Council meeting**, 7 p.m., DNREC’s auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Call the Fisheries section, (302) 739-3441.

**20 – Brandywine Creek State Park program, *Opossum Hide and Seek!***, 9:30-10:15 a.m., for children ages 2-3. Cost is \$5 per child. Pre-registration suggested.

**25 – Game and Fish Advisory Council meeting**, 7:30 p.m., DNREC’s auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Greg Moore, Fish and Wildlife, (302) 739-5297.

Park Offices:

Brandywine Creek State Park, (302) 577-3534; Nature Center, (302) 655-5740

White Clay Creek State Park, (302) 368-6900; Nature Center, (302) 368-6560

Bellevue State Park, (302) 577-3390; Arts Center, (302) 577-6540

Trap Pond State Park, (302) 875-5153; Nature Center, (302) 875-5163

Lums Pond State Park, (302) 368-6989; Nature Center, (302) 836-1724

Fort Delaware State Park, (302) 834-7941

Killens Pond State Park, (302) 284-4526

Cape Henlopen State Park, (302) 645-8983; Nature Center, (302) 645-6852

***Water Proclamation*** continued from page 1

The Conservation Award winners are:

<i>County</i>	<i>Category</i>	<i>Winner</i>
New Castle	Agricultural	Larry Armstrong – Two Eagles Farm
New Castle	Urban	Thomas J. Kane – Catholic Cemeteries, Inc.
Kent	Agricultural	Thomas and Charmaine Pardee
Kent	Urban	Schutte Park Ball Field Parking Lot – City of Dover
Sussex	Agricultural	Ray Robbins – Robbins Nest Farm, Inc.
Sussex	Urban	Robert D. Rauch and Associates – Bridgeville South

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Modern farmers and ranchers who practice soil conservation are doing their part to keep the living soil alive. Lessons from the past, such as the catastrophic “Dust Bowl” of the 1930s have shown what can happen when the topsoil is not protected from wind and water erosion. Today, private land managers employ a host of conservation practices, such as minimum tillage, to protect the topsoil that feeds the nation.

Soil health becomes more important when you learn that millions of beneficial organisms are going through their daily routine of eating, breathing, living and dying in the soil. One cup of fertile soil may contain as many bacteria as there are people on Earth. In one acre – an area about the size of a football field – there may be a ton or more of microscopic bacteria. That’s equal to the weight of two-full-grown cows!

We eat the food, drink the water, breathe the air and enjoy the views, but only a few of us walk the fields and forests on a regular basis and understand what those lands need from us in order to sustain the living soil. However, Delaware’s conservation local districts have suggested three things each of us can do in our own backyards to be better stewards of our soil resources:

1. Protect the soil from wind or water erosion by keeping healthy plants growing on the surface.
2. Restore and maintain organic matter in the soil, such as grass clippings or tree leaves (compost).
3. Protect soil life by using the minimum amounts required and least toxic materials to control pest problems.

The Delaware Association of Conservation Districts, a voluntary, non-profit alliance, provides a forum for discussion and coordination among the districts as they work to ensure the wise use and treatment of renewable natural resources. Delaware has a wealth of natural resources that provide priceless benefits to every Delawarean. Continuing to conserve these resources and improve the state’s environment is the steadfast goal of Delaware’s conservation districts. The Association and their conservation partners believe that a quality environment in Delaware is achievable with the full commitment of Delaware’s citizens.

To learn more about how you can help, contact the conservation district in your county during business hours: New Castle Conservation District, 2430 Old County Road, Newark, DE 19702, (302) 832-3100; Kent Conservation District, 3500 South DuPont Highway, Dover, DE 19901, (302) 697-2600; Sussex Conservation District, 408 N. DuPont Highway, Georgetown, DE 19947, (302) 856-3990.

*For further information, contact Martha Pileggi, Division of Soil and Water, (302) 739-4411, or Melinda Carl, Public Affairs, (302) 739-4506.*

## **Gov. Minner Creates First State Historical Park in Downtown Dover**

Governor Ruth Ann Minner on Thursday (April 22) created the First State Historical Park, linking together 10 historic and cultural sites in downtown Dover in a “park without boundaries” aimed at drawing more visitors to the state capital.

“Although thousands visit Dover’s historic treasures each year, more than a million cars drive past Delaware’s capital city, unaware of the rich historical and cultural offerings of the area,” Gov. Minner said. “We are going to change that.”

"The good news is that we can begin this park immediately," said Secretary of State Harriet Smith Windsor. "We do not need to build or to acquire anything in order to start. All the ingredients for the park's initial stages are already in place in sites owned by the State of Delaware."

The initial goal for Delaware's first urban historical park will be to coordinate the hours, programming and other visitor hospitality services of the 10 historic and cultural properties in downtown Dover that are currently operated by six different agencies or nonprofit organizations. These sites include the State House Museum, Legislative Hall, Museum Square's Victrola Museum, Archaeology Museum and Museum of Small Town Life, Delaware Public Archives, Legislative Mall, Woodburn and the Visitor Center, which also houses the Biggs Museum of American Art.

This will start happening by the July Fourth holiday, when many of the sites will begin extending Saturday hours and opening on state holidays. Additional enhancements planned for coming months include new walking tours, special events, improved signage and walking maps.

"What ties them all together and makes them truly meaningful are the stories they have to tell. These stories bring to life the history and heritage of Dover, of Delaware, and of our nation," Gov. Minner said. "Many people know about the Golden Fleece Tavern where the Constitution was ratified. But how many know Elizabeth Battell who ran the Golden Fleece Tavern in an era when men dominated the business world. We want to make it easier for people to fully enjoy and appreciate all that Dover has to offer."

The Task Force will include Dover community leaders as well as representatives of the Governor's Office, State Senate, State House of Representatives, Delaware Judiciary, Downtown Dover Development Corporation, Dover Main Street, Kent County Tourism Board, Biggs Museum of American Art, Department of State, Department of Natural Resources and Environmental Control, Delaware Economic Development Office and the Department of Transportation.

Issues to be addressed include:

- Coordinated visitor hospitality services;
- Enhanced interpretive services and educational programming with a focus of children and family-oriented programming throughout the park complex;
- Security;
- Marketing and partnerships with the tourism industry;
- Infrastructure enhancements to improve visitor experiences; and
- Identification of long-term goals and objectives.

Gov. Minner has asked for preliminary recommendations by Oct. 1 and final recommendations by March 2005.

"This is a golden opportunity for central Delaware," Gov. Minner said. "After investing energy and resources in the Riverfront in New Castle County and the beaches of Sussex County, we are turning to Kent County as the third jewel in the crown."

*For additional information, contact Gregory Patterson, Governor's Office, (9302) 744-4222.*



Gov. Minner creates the first urban historical park while Secretary of State Harriet Smith Windsor looks on at the Old State House in Dover.



## **Stream Watch Week Celebrated At Abbott's Mill Nature Center**

Governor Ruth Ann Minner declared April 21- 28, 2004 Stream Watch Week in the State of Delaware during an event held at the Delaware Nature Society's Abbott's Mill Nature Center April 23.

Nearly 100 individuals attended the event, including Stream Watch volunteers statewide and school students from Milford High School, Gunning Bedford Middle School, and Charter School of Wilmington. In addition, 4<sup>th</sup> and 5<sup>th</sup> grade home-school students participating in the Abbott's Mill Fantastic Fish program provided a water monitoring demonstration for the group following the reading of the proclamation.

The proclamation encourages all Delawareans to help protect water resources in the First State by volunteering for programs such as the Nature Society's Stream Watch effort. "Through programs like Stream Watch, the Delaware Nature Society has successfully cultivated a stewardship ethic among the general public and developed rewarding volunteer opportunities for citizens to take action," said Governor Minner.

Developed in 1985 through a partnership between the Delaware Nature Society and the Delaware Department of Natural Resources and Environmental Control, Stream Watch is a grassroots volunteer water resource education and monitoring program that offers citizens an opportunity to take action to improve Delaware's stream health through Stream Adoption and Technical Monitoring. "The Stream Watch volunteers do an exceptional job with monitoring to the extent that we now use their stream data when formulating our pollution load limits to meet water quality standards," said DNREC Secretary John A. Hughes. "It's been a very successful partnership."

Stream Adoption educates individuals, families, scout and school groups about stream ecology, the threats to stream health, and their individual role in protecting water quality. Currently, 70 stream segments are "adopted" in 19 watersheds statewide.

The Nature Society's Technical Monitoring program is recognized as a national example of the acceptance and use of volunteer data by the State and the Environmental Protection Agency (EPA). Technical Monitoring volunteers collect monthly data at 30 locations throughout the Delaware portion of the Christina Basin watershed and at 7 locations around the Milford area in the Mispillion watershed.

Delaware Stream Watch Week is an important tool to recognize the efforts of these dedicated volunteers and to promote the importance to citizen involvement in water resource protection statewide.

*For more information about the Delaware Stream Watch program, please contact the Delaware Nature Society, (302) 239-2334 or [www.delawarenaturesociety.org](http://www.delawarenaturesociety.org).*

## **Ion Power Coastal Zone Permit Application Available for Review**

The Department of Natural Resources and Environmental Control invites the public to review the application for a Coastal Zone Act Permit from Ion Power Inc., presently located in Bear, Del., for a new manufacturing facility.

Ion Power plans to open a facility at 745 Governor Lea Road in the Delaware City area to manufacture fuel cell components, in particular, cast membrane electrodes and a trademark solution called LIQUION, a NAFION (polymer beads) containing solution.

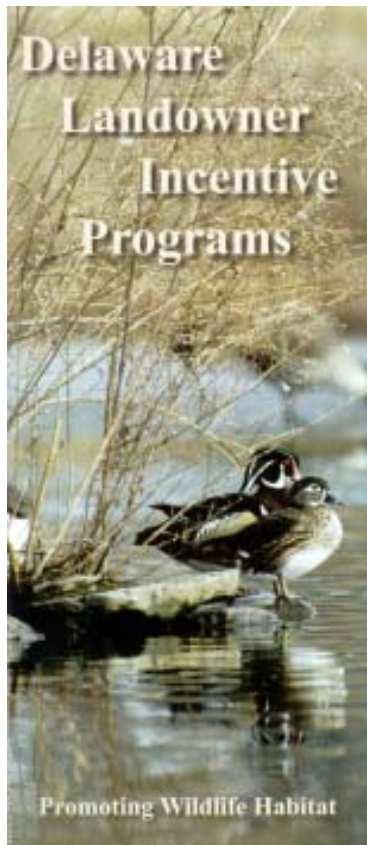
Maximum production of the cast membrane electrodes will be 500 square feet per week. The NAFION solution product will be about 10 gallons per week. The application indicates minimal environmental impacts and the company included an offset proposal.

The application is available for public review at the Hockessin and Delaware City public libraries as well as the DNREC offices at 89 Kings Highway in Dover and 715 Grantham Lane south of New Castle.

If and when this application is deemed to be preliminarily administratively complete and ready for a public hearing, the public will be notified of the time and place.

*For additional information, contact Dennis Brown, Planning and Compliance Assistance, (302) 739-3091.*

### **Brochure on Delaware Landowner Incentive Programs Available**



Last year, the Delaware Division of Fish and Wildlife of the Department of Natural Resources and Environmental Control reorganized its staff to devote more energy to assisting private landowners with improving and protecting their lands for wildlife.

The Division now has three biologists devoting their time to informing landowners about available programs, providing technical assistance in developing habitat projects and securing financial assistance as incentives for participation.

Programs available to private landowners interested in restoring wildlife habitat are outlined in a new brochure/poster put together by the Division, "Delaware Landowner Incentive Programs."

The programs provide assistance for wetland restoration and enhancement, riparian forest and grass buffer establishment, upland early successional habitat enhancement and forest restoration and/or enhancement.

For a copy of this brochure or any additional information on available incentive programs, please contact one of the following biologists:

Bill Whitman, DNREC Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19977; (302) 739-5297;  
mailto:William.Whitman@state.de.us

Bill Jones, DNREC Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19977; (302) 284-4795;  
mailto:William.Jones@state.de.us

Shelley Tovell, DNREC Division of Fish and Wildlife, 4876 Hay Point Landing Road, Smyrna, DE 19977; (302) 222-8346; mailto:Shelley.Tovell@state.de.us

## **Milford Public Boat Ramp Dedication Set for April 24**

The City of Milford Parks and Recreation Department will be dedicating a new \$335,000 Public Launch Facility at 9 a.m. Saturday, April 24 on N. E. Front Street in Milford behind the Milford Police Department.

The new ramp replaces an old one and will be one of two public launch facilities on the Mispillion River.

“This new ramp will provide access to the upper parts of the Mispillion River and the lower parts of the Delaware Bay allowing the public access to great fishing areas and recreational activities,” says Lacy Nichols, Department of Natural Resources Fish and Wildlife project manager.

The facility was constructed with state and federal funds under partnership with the Federal Aid in Sport Fishing Programs of the U.S. Fish and Wildlife Service.

*For more information, contact Gary Emory, City of Milford Parks and Recreation Department, (302) 422-1104 or Jason Gleockler, DNREC Public Affairs, (302) 739-4506.*

## **Recycling Public Advisory Council to Meet April 28**

The Recycling Public Advisory Council will meet from 1 to 3 p.m. Wednesday, April 28 at the Department of Natural Resources and Environmental Control's Aquatic Resources Education Center on Route 9 in Smyrna.

Major items for discussion will be:

- assessments being conducted in accordance with the Memorandum of Agreement among DNREC, Delaware Solid Waste Authority and the Recycling Public Advisory Council, expected to culminate in recommendations for a statewide mandatory recycling program;
- recycling legislation; and
- a back-up plan in the event the MOA and drafted legislation do not produce the desired results.

The Recycling Public Advisory Council was created by Executive Order No. 82 in September 2000 and charged with advising DNREC and DSWA on all aspects of recycling, including development of grant criteria and selection of applications; a methodology for measuring recycling rates; and possible outreach activities designed to achieve greater recycling rates.

Members of the council are: Paul Wilkinson, Delaware Environmental Alliance for Senior Involvement (DeEASI); Patricia Todd, League of Women Voters; Pasquale Canzano, Chief Operating Officer, DSWA; Richard Cecil, Delaware Association of Counties; John Blevins, Director, DNREC, Division of Air and Waste Management; Donald Mulrine, Mayor, City of Newport; Robert Propes, Delaware Economic Development Office; Paul Bickhart, Recycling Express of Delaware; and Steve Masterson, Waste Management of Delaware.

*For further information, or for directions to the meeting, contact Janet Manchester, DNREC, (302) 739-3689.*



## **Game and Fish Advisory Council Meeting Rescheduled for April 29**

The Division of Fish and Wildlife wishes to inform the public of a change in date for the Advisory Council on Wildlife and Freshwater Fish meeting. The originally scheduled April 27 date has been cancelled due to scheduling conflicts.

The new meeting date is 7:30 p.m. Thursday, April 29 in DNREC's auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover.

*For questions, call the Division of Fish and Wildlife, (302) 739-5297.*

## **Summer Hours for Ommelanden Range Effective May 1 Public Shooting Facilities Closed Mondays and Tuesdays**

The Delaware Division of Fish and Wildlife's Ommelanden Range and Hunter Education Training Center, located on Route 9 in New Castle will have new operating hours effective May 1.

Public shooting facilities will be available from 9 a.m.-7:30 p.m. on Wednesday and 9 a.m.-3:30 p.m. Thursday-Sunday.

The facility will remain open for Hunter Education purposes Monday-Friday however public shooting facilities will be closed on Monday and now Tuesday due to an increased need for hunter education training and range maintenance.

*For additional information, call the Ommelanden Range Hunter Education Training Center at (302) 323-5334 or (302) 323-5333.*

## **DNREC to Host Public Workshops on Preliminary Report of U.S. Commission on Ocean Policy May 3, 5 and 6**

The Delaware Coastal Programs of the Department of Natural Resources and Environmental Control is hosting workshops May 3, 5 and 6 to solicit public comments on the preliminary report of the U.S. Commission on Ocean Policy.

The May 3 workshop will be held at the Delaware Nature Society, Ashland Nature Center in Hockessin; the May 5 workshop will be at the Rehoboth Convention Center, Rehoboth Beach; and the May 6 workshop will be at the Delaware National Estuarine Research Reserve, 818 Kitts Hummock Road in Dover. All three workshops will begin at 7 p.m.

The Commission's report is available at [WWW.OCEANCOMMISSION.GOV](http://WWW.OCEANCOMMISSION.GOV). Creation of the Commission was mandated by the Oceans Act of 2000 and is comprised of members appointed by the President. It is charged with making findings and developing recommendations to the President and Congress for a coordinated and comprehensive national ocean policy.

According to Delaware Coastal Programs Administrator Sarah Cooksey, the new ocean policy will address a broad range of coastal and ocean issues, ranging from the stewardship of marine resources, enhancing marine science, commerce and transportation. Governor Ruth Ann Minner will be submitting comments on the preliminary report by May 21.

"This is a very exciting time," said Cooksey. "Delaware has been working with the Commission over the past two and a half years as they collected comments and formulated this preliminary report. We are eager to see how their recommendations will impact Delaware, particularly since the coast and ocean are so important to our lives."

Written comments on the preliminary report may be submitted to Sarah W. Cooksey, Delaware Coastal Programs, 89 Kings Highway, Dover, DE 19901.

*For additional information on the workshops, contact the Delaware Coastal Programs office, (302) 739-3451.*

### **First of Four Delaware Estuary Grants Program Workshops Set for May 3 at DNREC's Dover Offices**

The first of four grant workshops for the 2004 Delaware Estuary Grants Program will be held 1 to 3 p.m. Monday, May 3 at the Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover.

The National Fish and Wildlife Foundation, in partnership with the Delaware Estuary Program, will provide grants of up to \$25,000 to organizations working on a local level to protect and improve watersheds in the Delaware Estuary, while building citizen-based resource stewardship. The grants are established to address the living resource needs of the Delaware Estuary ecosystem.

Each workshop is intended to provide an overview of the Delaware Estuary Grants Program and other funding opportunities for community watershed conservation efforts with the estuary's watershed; offer recommendations on what makes for a strong proposal; and answer any questions that potential applicants may have about this year's expanded program.

Please visit the website, <http://www.nfwf.org/programs/delaware.htm> for additional information about the grants program and to obtain copies of the 2004 Request for Proposals and Application Form. Applications must be postmarked no later than June 7, 2004.

*For further information on the workshops, contact Laura Carrier at the Foundation for more information, to RSVP and to be added or removed from the list-serve ([Delaware.grants@nfwf.org](mailto:Delaware.grants@nfwf.org) or (202) 857-0166).*

### **Public Hearing Set for May 12 on Water Allocation Permits for FLP Energy Marcus Hook and Sunoco**

The Department of Natural Resources and Environmental Control will hold a public hearing on the water allocation permit applications of FLP Energy Marcus Hook LP and Sunoco Inc. from 6 to 9 p.m. Wednesday, May 12 at DNREC's offices at 391 Lukens Drive, New Castle, Del.

The applications request a water allocation permit for the concurrent withdrawal of cooling water with rates of 11 million gallons a day for FLP and 43.2 million gallons a day for Sunoco from the Delaware River using an existing intake located at the Sunoco refinery north of Claymont.

FLP and Sunoco's applications may be inspected at DNREC's offices at 89 Kings Highway in Dover. Individuals interested in presenting statements are asked to register in advance by mail. Written statements may be presented prior to the hearing and should be addressed to: Robert R. Thompson, Hearing Officer, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901.

*For an appointment to inspect the applications, contact Dawna Nickerson, Water Supply, (302) 739-4793. For further information, contact Stewart Lovell, Water Supply manager, (302) 739-4793; or Melinda Carl, Public Affairs, (302) 739-4506.*

## **Volunteers Needed for Newark's Storm Drain Marking Project May 15**

The City of Newark is conducting a Storm Drain Marking Project May 15, 2003 to educate people about preventing pollution from stormwater runoff and to improve the quality of local creeks and tributaries. Volunteers are asked to contact Newark Public Works prior to May 15 to register. Volunteers will be organized into teams to assist in marking storm drains with special medallions.

The storm drain medallions say "No Dumping, Drains to Creek" and will be put on the curb in front of storm drains within Newark City limits. These medallions are intended to remind people not to dump motor oil, antifreeze, fertilizers, pesticides, animal wastes or general litter into city storm drains because they are pollutants which will end up in nearby rivers and streams.

Volunteers will pick up the medallions and other project materials on May 15 from 9-11 a.m. at the City Municipal Building. Other arrangements can be made for volunteers who cannot make the May 15 date, but who are interested in helping with the storm drain marking effort. Each kit contains 12 medallions, which can be glued down easily in an hour by three to five people. Once the volunteers receive their supplies, they can begin marking the storm drains. When done, they are asked to turn in a final report, which is included in the supply packet.

According to Kelley Dinsmore, Newark Stormwater Program Coordinator, the citizens of Newark can play a key role in helping to improve water quality in the upper Christina Watershed. "This is a great opportunity for residents, community service organizations, college students, and others to help spread the message in Newark that there should be only rain in the storm drain," said Dinsmore.

DNREC's Stormwater Program Manager, Frank Piorko supports Newark's efforts. "DNREC has been in the forefront of a national movement to improve water quality by reducing non-point pollution that goes from storm drains into the state's waterways. The City of Newark has been one of DNREC's most enthusiastic partners in reaching out to their citizens for help in improving water quality. We encourage Newark residents to continue to participate and spread the word about environmental solutions."

*To participate in this project, contact Kelley Dinsmore at the city's Public Works Department, (302-366-7040).*

## **Regulatory Update**

### **Recently Adopted Regulations and Regulations Under Appeal**

**2001-22: New regulation defining chronic violator, the process for determining when a facility or regulated party is declared a chronic violator and the terms and conditions for lifting the designation.** Development and implementation of this regulation was mandated by Senate Substitute No. 1 for Senate Bill 33, An Act to Amend Title 7 and Title 29 of Delaware Code with respect to notification of environmental releases, facility performance, and establishment of the Community Involvement Advisory Council. Contact Marjorie Crofts, 739-4764. **Effective date – March 11, 2004**

2003-14: **Amendments to Delaware Regulations Governing Hazardous Waste.** This action adopts amendments previously promulgated by EPA to maintain authorization for administering Delaware's own hazardous waste management program. This action also adopts miscellaneous changes to correct existing errors in the hazardous waste regulations and clarifications. Contact Karen J'Anthony or Donald Short, 739-3689. **Effective date – March 21, 2004**

2003-23: **Amend Tidal Finfish Regulations, Striped Bass Possession Size Limit; Exceptions.** This action changes the recreational daily size and creel limits and seasons for striped bass; and changes the minimum commercial size limit for striped bass taken from all tidal waters of the state other than the Delaware River and Bay and its tributaries to 28 inches total length. During the commercial season of March 1-April 30, the minimum commercial size limit remains at 20 inches for the waters of Delaware River, Delaware Bay and their tributaries, but reverts to 28 inches total length minimum for the remainder of the year. Contact Roy Miller 739-3441. **Effective date – March 10, 2004**

2003-13: **New regulation to establish date for the first and subsequent lotteries for available commercial gill net permits and authorization for commercial hook and line permits, and commercial crab dredge, conch pot and conch dredge licenses.** The date for the first lottery is Jan. 2, 2004 with subsequent lotteries held the first working day in January. Participants include those in the apprentice program who have completed the required and properly documented 150 days of commercial fishing activities over no less than a 2-year period from the apprentice sign-up date. Contact Roy Miller, 739-3441. **Effective date - Jan. 2, 2004.**

98-08: **Establish a Total Maximum Daily Load (TMDL) for the Inland Bays Sub-basin** — This TMDL includes the tidal portions of Indian River, Indian River Bay and Rehoboth Bay. The TMDL process determines the pollutants causing water quality impairments, identifies maximum permissible loading capacities for the waterbody in question, and, for each relevant pollutant, assigns load allocations from point and non-point sources to each of different sources in the Sub-basin. These limits are designed to achieve water quality criteria and promote healthy populations of fish and other aquatic life. Contact: John Schneider – 739-4590. **Effective date – Dec. 1, 1998**

**Environmental Appeals Board voted to stay** appeals of Town of Rehoboth and Town of Georgetown on April 27, 1999 pending a decision by Superior Court.

97-11: **Implementation of September 27, 1994 MOU among Ozone Transport Commission states on development of a regional strategy for control of stationary source Nitrogen Oxide (NOx) emissions.** This regulation reduces NOx emissions from fossil fuel fired boilers or indirect heat exchangers with a maximum rated heat input capacity of 250 MMBTU/hr, or more; and all electric generating facilities with a rated output of 15 MW, or more. Contact: Ron Amirikan – 323-4552. **Effective date - April 1, 1999.**

**April 16, 1999 - Appealed** to Environmental Appeals Board by Motiva Enterprises and Delmarva Power and Light Company; **April 20, 1999 -** Motiva and Delmarva Power filed a civil action for a review of the Order in Superior Court for New Castle County.

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## **Regulatory Actions Underway:**

2004-03: **Amendment to Delaware's Wildlife and Non-Tidal Fishing Regulations.** This action would provide additional shotgun hunting days in October for antlerless deer, lengthen the October Muzzleloader season by 1 day, increase the general deer bag limit from 2 antlerless deer to 4 antlerless deer, clarify the use of additional antlerless deer tags that are purchased, clarify deer checking/registration procedures and tagging requirements and allow squirrel hunting during firearms deer seasons in October where seasons overlap. Contact Ken Reynolds, (302) 653-2883

2004-02: **Amendments to Shellfish Regulations pertaining to oysters.** This action will establish the oyster harvest quota and address seasonal harvesting dates. Contact Richard Cole, 739-3441

2004-01: **Amendments to Tidal Finfish Regulations, summer flounder and recreational black sea bass.** Summer flounder: Delaware is able to maintain the same management measures for summer flounder used in 2003 for the 2004 fishery since the harvest cap was not exceeded. The nine management options presented for public review in 2003 will again be presented as approved methods for 2004. A new option may be presented that will include a 17.5 inch minimum size limit, six fish bag limit and no closed season for 2004. Recreational black sea bass: The coastwide requirements are a 12-inch minimum size length with a 25 fish creel limit and a closed season from Sept. 8, 2004 through Sept. 21, 2004 and Dec. 1, 2004 through Dec. 31, 2004. The Division of Fish and Wildlife proposes to impose a closed season for the same dates as the coastwide requirements. Contact Richard Cole, 739-4782

2003-24: **Development of a new regulation to be added to the Regulations Governing Solid Waste.** This action would institute a ban on the disposal of yard waste in Delaware landfills, and is a critical part of a larger waste management strategy directed toward environmentally and economically efficient waste management. The waste ban is designed to: conserve capacity at existing landfills; minimize the need to construct new or expand existing landfills; signal the composting and mulching industry that these materials are available for processing and marketing; return this valuable material to the market place as opposed to landfilling it; and reduce the emission of greenhouse gases. Contact Rick Perkins, 739-3689

2003-22: **Amendment to Delaware's Phase II Attainment Demonstration State Implementation Plan (SIP) for attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005.** This action would change the mid-course review due date to Dec. 31, 2004 and will allow inclusion of the NOx Transport SIP Call implementation (a significant part of the overall attainment strategy) in the analysis and put Delaware on the same timeline with other states in the region to enable Delaware to work cooperatively and conduct the mid-course review as a regional effort. Contact Frank Gao, 323-4542

2003-21: **Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed.** This action would revise the cap and is necessary in light of recently collected data. It would amend the original regulation adopted in

*continued on page 14*



December 2001 and would apply to the entire watershed including Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. Contact John Schneider, 739-4590

**2003-20: Adoption of Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for Little Assawoman Bay, Buntings Branch and the tributaries and ponds of the Indian River, Indian River Bay and Rehoboth Bay.** This regulation would establish a cap for the amount of nutrients and oxygen demanding materials that can enter these waters and is necessary to improve water quality and help maintain fishable waterways for Delaware citizens and visitors. The projected date for adoption is May 2004, five months past the deadline in the consent decree, due to unforeseen circumstances and technical issues regarding development of a new state-of-the-art water quality modeling system for the entire Inland Bays watershed. Contact John Schneider, 739-4590

**2003-19: Adoption of a Delaware Coastal Management Program Comprehensive Update and Routine Program Implementation.** This action would update all coastal management program policies to incorporate changes in state statutes, department regulations and executive orders since the last program's September 1998 update. Contact Sarah Cooksey or Bonnie Willis, 739-3451

**2003-18: Adoption of a new "Regulation, 45, Anti-Idling Regulation" of the state's Regulations Governing the Control of Air Pollution.** This action would regulate the idling time for operation of heavy-duty vehicles in Delaware having a gross vehicle weight rating of over 8,500 pounds. The regulation will continue state efforts to reduce emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operating in the state. Contact Philip Wheeler, 739-4791

**2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems.** This action would update the regulations to include statutory changes that authorize DNREC to establish a license for persons who inspect septic systems and other on-site wastewater treatment systems. It also sets an annual license fee for septic system designers, installers, site evaluators, liquid waste haulers, inspectors and percolation tests, similar to other license fees charged by DNREC. Contact John Hayes, 739-4761

**2003-16: Development of a State Implementation Plan (SIP) revision to include a case-by-case alternate volatile organic compound reasonably available control technology determination.** This action would address the FP International, Newark, Del. facility's expandable polystyrene packing material manufacturing process. Contact Frank Gao, 323-4542

**2003-15: Amendments to Delaware Regulations Governing Solid Waste.** These proposed amendments pertain to sanitary landfill daily cover performance standards; prohibition of certain wastes in industrial landfills; prohibition of non-permitted sub-contractors by permitted solid waste transporters; correct a reference in the requirements for resource recovery facilities; amend the definition of infectious waste generator; and clarify who is required to obtain an infectious waste generator number. Contact Karen J'Anthony or Donald Short, 739-3689

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**2003-12: Modification of existing regulations for the Green Energy Fund (formerly the Environmental Incentive Fund).** Senate Bill 93 moved the State Energy Office to DNREC and stated that the office would establish standards, procedures and regulations governing administration of the Green Energy Fund, formerly administered by the Delaware Economic Development Office. This action would modify DEDO's existing regulations to reflect movement of the Energy Office and the program, and amend the regulations for consistency with provisions in Senate Bill 93 and amendments in Senate Bill 145. Contact Charlie Smisson Jr., 739-1530

**Public hearing – April 27, 2004, 6 p.m., Energy Office, 146 S. Governor's Avenue, Dover**

**2003-11: Amendment to Regulation No. 30 (Title V State Operating Permit Program) of the Regulations Governing the Control of Air Pollution.** This action would change the definition of "Major Source" by removing the phrase, "but only with respect to those air pollutants that have been regulated for that category." This will require all fugitive emissions to be included in major source determinations for sources subject to federal New Source Performance Standards or the National Emissions Standards for Hazardous Air Pollutants. Contact Deanna Morozowich, 739-4791

**2003-10: Development of a new Distributed Generation Regulation covering on-site electric generators of small to medium capacity.** In general, emissions from small and medium size on-site electric generators are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and contribute to the secondary formation of ground-level ozone and fine particulate matter. Some are used to help utilities meet peak demand periods that frequently correspond with summer ozone action health alert days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Use of these units is growing and the Department is initiating this action to specifically control this category of emitters. Contact Al Deramo, 739-4791

**2003-09: Amendment to Regulations Governing the Control of Air Pollution: new section – Requirements for Minor Source Pre-Construction Review (Minor NSR).** This action would ensure that best available emission controls are installed at the time that smaller, but very significant, sources are constructed and modified to help manage Delaware's air resources. Contact Gene Pettingill, 323-4542

**2003-07: Amendments to the Regulations Governing Beach Protection and the Use of Beaches adopted in 1983.** This action would increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The amendments would reduce ambiguity, close possible loopholes and limit the amount and type of construction permitted seaward of the Building Line. Redrawing the building Line, incorporating changes to the Beach Preservation Act and adding new construction standards for waterfront buildings will result in less damage to structures and improvements to the natural dune and beach resource. Contact Maria Sadler, 739-4111

**2003-05: Amendments to Shellfish Regulations S-51 and S-55 and enactment of new shellfish regulations.** This action would require the use of bait saving devices in conch pots using horseshoe crab as bait; prohibit the harvest or landing of horseshoe crabs in Delaware between May 1 and June 7 of any year and cap the annual harvest and/or landings of horseshoe crabs in Delaware to 150,000. Contact Roy Miller, 739-3441

**2003-03: Re-issuance of Regulations Governing Storm Water Discharges Associated with Industrial Activities.** These regulations are required by law to be reissued once every five years. The current regulations expire Sept. 15, 2003. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-5731

**2003-02: Amendment to Subpart A, Regulation 38, Emission Standards for Hazardous Air Pollutants for Source Categories.** These general provisions establish applicability, definitions, compliance, notification, performance testing, monitoring, record keeping and reporting requirements common to the emission standards for hazardous air pollutants promulgated under Regulation 38. This action affects any owner or operator of a stationary source that is or will be subject to any standard, limitation or prohibition established by Regulation 38 and ensures consistency of Subpart A with federal changes expected in April 2003. Contact James Snead, 323-4542

**2002-26: Amendment to Regulations Governing the Control of Air Pollution, Regulation 2038, Reporting of a Discharge of a Pollutant or Air Contaminant.** This amendment would change the reportable quantity for the flammable substance hydrogen, clarify flammable reportable quantities and correct several technical mistakes in the list of substances. Contact Jay Brabson, 323-4542

**2002-25: Amendment to tidal finfish regulations regarding weakfish size and possession limits.** The approved plan adopted by the Atlantic States Marine Fisheries Commission includes 7 weakfish per day at 12 inches minimum, 8 at 13 inches, 9 at 14 inches or 10 fish at any size equal to or greater than 15 inches. The amendment would also adjust the beginning and ending dates to adjust the days for the new calendar year. Contact Roy Miller, 739-3441

**2002-21: Amendment to the Delaware State Parks rules and regulations needed to reflect changes in park resources and changes from the Delaware Code,** including the Wilmington State Parks, Holts Landing Fishing Pier, protection of exhibits, established bicycle trails and facility rentals/special events. Contact Wayne Kline, 739-4405

**Public hearing – April 28, 2004**

**2002-16: Development of new regulations for aboveground storage tanks, including requirements for leak detection, spill containment, construction, dismantling, operation, maintenance and cleanup of any leaks** pursuant to the Jeffery Davis Aboveground Storage Tank Act signed into law by Governor Minner July 8, 2002. Contact Kathleen Stiller Banning, 395-2522

**2002-13: Amendment to Tidal Finfish Regulations.** This action pertains to recreational and commercial creel limits and season for tautog. The Atlantic States Marine Fisheries Commission's amendment of the Fishery Management Plan for tautog requires all east coast states to reduce fishing mortality by 48 percent by changing creel limits or imposing seasonal closures or a combination of both by April 1, 2003. Contact Jeff Tinsman, 739-4782

**2002-08: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Murderkill River and its tributaries.** The PCS will cover activities in the entire

watershed, including land areas draining into Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

**2002-07: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Nanticoke River, Broad Creek and their tributaries.** The PCS will cover activities in the entire watershed. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

**2002-06: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for Indian River, Indian River Bay, Rehoboth Bay and their tributaries.** This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

**2001-21: Amendments to Sediment and Stormwater Regulations.** This action would allow a greater degree of flexibility for types of practices that could be considered for approval and would result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers being used to meet water quality requirements. Contact Frank Piorko – 739-6724

**2001-14: Amendment to Regulation 24, Control of Volatile Organic Compounds, Section 26 (Stage I Vapor Recovery) and Section 36 (Stage II Vapor Recovery) of the Delaware's Regulations Governing the Control of Air Pollution.** This action is proposed to ensure that the Vapor Recovery Systems currently installed within the state maintain the required 95 percent control efficiency. Contact Deanna L. Morozowich, 739-4791

**2001-04: Amendments to Regulations Governing the Use of Subaqueous Lands.** This amendment updates the regulations to include the statutory changes made by the 140<sup>th</sup> General Assembly. The amendments deleted definition of the term, “navigable water,” increased the subaqueous lands lease term from 10 to 20 years, and granted exemptions for certain types of activities in subaqueous lands. Contact William Moyer, 739-4691.

**2000-23: Amendments to Regulation 24, Control of Volatile Organic Compound Emissions, by adding a new section to control the emissions of VOCs from lightering operations, of the Regulations Governing the Control of Air Pollution.** Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware's 1-hour ozone attainment. Contact James Snead – 323-4542

**2000-11: Development of the 1999 Periodic Emission Inventory.** States with non-attainment areas for ground-level ozone are required under the Clean Air Act Amendments of 1990 to develop comprehensive periodic emission inventories of ozone precursor pollutants (volatile organic

compounds, nitrogen oxides, and carbon monoxide) once every three years and incorporate them into the State Implementation Plan. This is the third of these inventories covering all three Delaware counties for the 1999 calendar year and ozone season. Contact Raymond Malenfant, 739-4791

**2000-10: Amendments to Delaware's 2002 Rate-of-Progress Plan toward attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ground-level ozone in Kent and New Castle counties.** Under the Clean Air Act Amendments of 1990, Delaware is required to submit to the U.S. EPA a State Implementation Plan every three years after 1996 to demonstrate how to achieve adequate rate-of-progress in reducing emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx), major precursors to form ground-level ozone. This action amends the 2002 plan submitted in February 2000. Contact Frank Gao, 739-3106

**2000-05: Update of 1990 Base Year Inventory and 1993 Periodic Emission Inventory Revisions.** The Clean Air Act Amendments of 1990 require states with non-attainment areas for ground-level ozone to develop the 1990 base year inventory and comprehensive periodic emission inventories of ozone precursor pollutants once every three years after 1990 and to incorporate them into the State Implementation Plan. This is a first update to improve the 1990 Base Year Inventory and 1993 Periodic Emission Inventory. Contact Bhavesh V. Amin, 739-4791

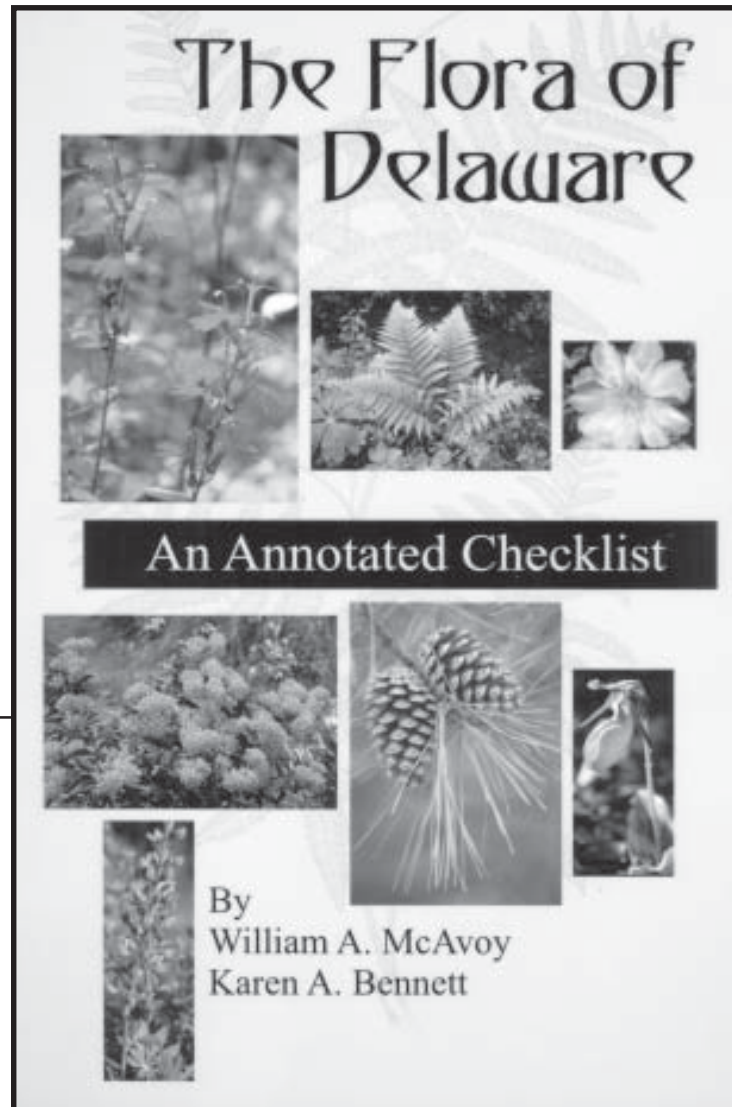
**2000-03: Amendments to the Delaware Regulations Governing Hazardous Substance Cleanup.** Amendments include adding mirex and gas additives to the definition of hazardous substance as well as clarify the petroleum issue; incorporating by reference the HSCA Guidance standards; and amend the provision concerning interference and failure of remedy.

**99-12: Triennial Review of the State of Delaware Surface Water Quality Standards (as amended Feb. 26, 1993).** This review will meet requirements of the federal Clean Water Act, which requires all states to review their surface water quality standards every three years and adopt revised standards to comply with the Act. Contact Dave Wolanski - 739-4590.

**98-13: Adopt a new regulation (Regulation No. 20, Section 30) of the State of Delaware Regulations Governing the Control of Air Pollution.** This regulation will require any small industrial-commercial-institutional steam generating unit (i.e., any unit that combusts any fuel and that produces steam or heats water or any other heat transfer media) to meet specified emission limits for sulfur dioxide and particulate matter. Contact: Ron Amirikian – 323-4542

**97-19: Contingency Regulations for Ozone Attainment** – The Clean Air Act requires states with non-attainment areas for ground-level ozone to implement specific control measures if an area fails to make reasonable further progress goals or fails to attain the national ambient air quality standard by the attainment date. This contingency, in the form of a regulation, may be either a point source cap and reduce program or a higher-level enhanced motor vehicle inspection and maintenance (I-M) program, or perhaps some other action or combination of actions. This regulation will ensure that 1999 and later ground level ozone progress goals for New Castle and Kent counties are achieved, and will be implemented in New Castle and Kent Counties if the specified emissions reductions do not occur in 1999. Contact: Al Deramo – 739-4791





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